

REMARKS

This paper is responsive to the Office Action dated July 3, 2006. Claims 1-20 are pending in this application. Claims 1-18 have been withdrawn by election submitted on April 5, 2006. In the pending Office Action, the Examiner rejects claims 19 and 20. The Applicant respectfully traverses those rejections.

At paragraph 2 of the Office Action, the Examiner rejects claims 19 and 20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,734,522 to Salomon ("Salomon"). In particular, the Examiner characterizes the rod 85 described in Salomon as teaching the tongue recited in claim 19. The Applicant respectfully disagrees with this characterization for at least the following reasons.

First, the tongue, as recited in claim 19 and described in the specification, requires a first end that is fixedly attached to a lateral release assembly. The Examiner points to reference number 85 (rod) of Salomon as corresponding to the tongue component, and to reference number 82 (longitudinal sliding guide) of Salomon as corresponding to the lateral release assembly in claim 19. The rod 85 of Solomon has a first end that is associated with the longitudinal sliding guide 82, but the first end of the rod 85 is not fixedly attached to the longitudinal sliding guide 82 as required by claim 19. Rather, the first end of the rod 85 slides through the longitudinal sliding guide 82, as described in Salomon in FIGs. 10 and 11 and at col. 8, line 28 through col. 9, line 17. The second end of the rod 85 is in constant contact with the rear face of the heel-piece, but is not fixedly attached to the heel-piece. Thus, neither end of the rod 85 is fixedly attached to anything.

Further, the second end of the rod 85 is not disposed between a first surface and a second surface, both of which are fixedly attached to the lower heel assembly. The Examiner points to reference number 80 (bracket) as corresponding to the lower heel assembly in claim 19. However, the Examiner does not identify exactly what in Salomon corresponds to the first and second surfaces of claim 19. Looking at figures 10 and 11 of Salomon (the figures that include reference numbers 80, 82 and 85), the Applicant cannot identify the two surfaces that the Examiner cites, both of which must be fixedly attached to the lower heel assembly (i.e., the bracket 80 as the Examiner asserts) to meet the requirements of claim 19. According to Salomon, the only surface that is fixedly attached to the bracket 80 is the ski 1 (see col. 8, line 29).


Also, Salomon does not teach the tongue component (rod 85) and the first and second surfaces cooperating to allow motion of the lateral release assembly (longitudinal sliding guide 82 as defined by the Examiner) to occur only in the longitudinal and horizontal plane of the ski, as required by claim 19. According to figures 10 and 11 of Salomon, the longitudinal sliding guide 82 is fixed, and merely limits the rod 85 to motion in one direction, in the direction of the double arrow 83 (see col. 8, lines 32-38). Further, the component identified as reference number 82 (longitudinal sliding guide) of Salomon does not function as a lateral release assembly, as the Examiner asserts.

For at least these reasons, Solomon does not teach all of the limitations of claim 19, so the Examiner's rejections are improper and should be withdrawn. Therefore claim 19 should be allowable. Since claim 20 depends from claim 19, that claim should also be allowable.

In view of the above remarks, applicant believes the pending application is in condition for allowance. Please apply any charges not covered, or any credits, to Deposit Account No. 08-0219.

Respectfully submitted,

Dated: July 25, 2006

A handwritten signature in black ink, appearing to read 'R. Demsher', written over a horizontal line.

Ronald R. Demsher
Registration No.: 42,478
Attorney for Applicant

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000 (telephone)
(617) 526-5000 (facsimile)